

ago. MTB has received three petitions for rulemaking and a number of inquiries requesting interpretations of the requirements for shipping matches. MTB believes the provisions for matches in § 173.176 should be revised for simplification and clarification.

MTB is proposing to place all requirements for safety matches (book, card, and strike-on-box) in § 173.176. The requirements covering strike anywhere matches would be placed in a new § 173.176a.

As suggested by a petitioner, safety matches would be required to be tightly packed in securely closed inside packagings to prevent movement within the package and accidental ignition. Each outside package would be required to be marked "SAFETY MATCHES" in conformance with § 172.301. When prepared for shipment in this manner, safety matches in outside fiberboard, wooden or other equivalent-type packagings would not be subject to other requirements of the subchapter. No distinction would be made between safety matches packed alone or packed in the same outside package with nonhazardous material. This will eliminate the need for two exemption. DOT-E-8726 issued to Whitehall Laboratories, Inc., to ship safety matches and small boxes of pain reliever in the same package, and DOT-E-8866 issued to Norcliff Thayer, Inc., to ship safety matches and small boxes of antacid tablets in the same package.

In this proposal, the requirements covering strike anywhere matches in new § 173.176a are simplified. Basically, the regulations would require that strike anywhere matches be tightly packed in chipboard, fiberboard, wooden or metal inside packagings and further packed in outside specification packagings. The types of specification packagings authorized would remain the same.

MTB believes the requirement in present paragraph (a) requiring that strike anywhere matches not exceed 3 inches in length nor have a stick exceeding .015 square inch in cross section lacks sufficient safety justification and, therefore, should be deleted.

The provision in paragraph (c)(1) requiring approval by the Bureau of Explosives of "hang up" type packagings also should be deleted. MTB believes these packagings are obsolete. MTB is not aware of any approvals issued by the Bureau of Explosives for "hang up" type packagings in the past several years.

A petitioner has requested that strike anywhere matches when ". . . in not over 3 outside containers per vehicle

totalling not over 100 pounds net weight . . ." be excepted from shipping paper requirements. The petitioner argued that in the event of a fire, there would be no difference if the shipment involved strike anywhere matches or safety matches. MTB takes the position that since it is easier to ignite strike anywhere matches than safety matches, a greater potential hazard may exist; therefore, shipping papers should be available to assist emergency response personnel in identifying the hazards and quantities of strike anywhere matches involved. The suggested change has not been included in the proposal.

Comments are invited concerning the stability criteria specified in § 173.176(a) since they have not been modified since May 12, 1930. In addition, comments are invited on any matters related to the safe transportation of matches including any pending petitions for rulemaking or outstanding exemptions, in addition to the two exemptions discussed above.

MTB has determined that this proposed regulation is not a "major rule" under the terms of Executive Order 12291 or a significant regulation under DOT's regulatory policy and procedures (44 FR 11034), nor require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 *et seq.*).

Based on limited information available concerning size and nature of entities likely to be affected by this proposal, I certify that this proposal will not, if promulgated, have a significant economic impact on a substantial number of small entities because the overall economic impact of this proposal will be minimal. A regulatory evaluation and environmental assessment are available for review in the docket.

List of Subjects

49 CFR Parts 172

Hazardous materials transportation, Labeling, Packaging and containers.

49 CFR Parts 173

Hazardous materials transportation, Packaging and containers.

In consideration of the foregoing, Parts 172 and 173 of 49 CFR would be amended as follows:

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. Section 172.101 would be revised to read as follows:

Research and Special Programs Administration

49 CFR Parts 172 and 173

[Docket No. HM-186; Notice No. 83-3]

Shipment of Matches

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: MTB proposes to simplify and clarify the requirements in 49 CFR 173.176 pertaining to safety matches and strike anywhere matches. This proposal is based on three petitions for rulemaking and a number of public inquiries requesting clarification of the requirements for shipping matches. The intended effect of this action is to delete unnecessary requirements and to reduce misunderstanding of the regulations applying to matches.

DATE: Comments must be received by August 30, 1983.

ADDRESS: Dockets Branch, Materials Transportation Bureau, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted, if possible, in five copies.

FOR FURTHER INFORMATION CONTACT: Hattie L. Mitchell, Office of Hazardous Materials Regulations, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590, (202) 426-2075.

SUPPLEMENTARY INFORMATION: Few changes have been made to the requirements pertaining to the shipment of matches since they were originally adopted as regulations over 40 years

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§ 172.101 Hazardous materials table

(1) EAW	(2) Hazardous materials descriptions and proper shipping names	(3) Hazard class	(3A) Identification number	(4) Label(s) required (if not excepted)	(5) Packaging		(6) Maximum net quantity in one package		(7) Water shipments		
					Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo vessel	Passenger vessel	Other requirements
					(a)	(b)	(a)	(b)	(a)	(b)	(c)
	(Revise) Matches, safety, book, card, or strike-on-box. Matches, strike anywhere.	Flammable solid	UN 1944	Flammable solid	173.176		50 pounds	50 pounds	1, 2	1	
		Flammable solid	UN 1331	Flammable solid	None	173.176a	Forbidden	Forbidden	1, 2		

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENT AND PACKAGINGS

2. Section 173.176 would be revised to read as follows:

§ 173.176 Safety matches.

(a) Safety matches (strike-on-box, book, and card) are matches which are intended to be ignited on a prepared surface. Safety matches, when offered for transportation, must be of a type which will not ignite spontaneously or undergo marked decomposition when subject for eight consecutive hours to a temperature of 200°F. (93.3°C.). As used in this section, the term "safety matches" includes the match combined with the box, book, or card containing or attached to the matches.

(b) Safety matches which are tightly packed in securely closed inside packagings to prevent accidental ignition, and further packed in outside fiberboard, wooden, or other equivalent-type packagings are not subject to any other requirement (except marking) of this subchapter. Safety matches may be packed in the same outside package with nonhazardous materials.

3. Section 173.176a would be added to read as follows:

§ 173.176a Strike anywhere matches.

(a) Strike anywhere matches are matches which may be ignited by friction on a solid surface. Strike anywhere matches, when offered for transportation, must be of a type which will not ignite spontaneously or undergo marked decomposition when one complete inside package is subjected for eight consecutive hours to a temperature of 200°F (93.3°C.).

(b) Strike anywhere matches may not be packed in the same outside package with any material other than safety matches that are packed in separate inside packagings.

(c) *Inside packagings.* Strike anywhere matches must be tightly packed in chipboard, fiberboard, wooden, or metal inside packagings that are securely closed to prevent

accidental ignition. Each inside packaging may contain no more than 700 strike anywhere matches.

(d) *Outside packagings.* Strike anywhere matches must be packed in specification packagings as follows:

(1) Spec. 15A or 19B (§§ 178.205, 178.191 of this subchapter). Wooden boxes, with inside packages. Gross weight must not exceed 100 pounds.

(2) Spec. 12B or 12C (§§ 178.205, 178.206 of this subchapter). Fiberboard boxes with inside packages; not over 60 pounds gross weight each. Fill-in pieces specified by § 178.205-14 or § 178.206-14 of this subchapter are not required.

(49 U.S.C. 1803, 1804, 1808, 49 CFR 1.53; 49 CFR App. A to Part 1, and paragraph (a)(4) of Appendix A to part 106)

Issued in Washington, D.C. on June 1, 1983.

Alan I. Roberts,
Associate Director for Hazardous Materials
Regulation Materials Transportation Bureau.

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